



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1480  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,378	04/12/2004	Adam Cain	08212/0200353-US0	3369

38879 7590 01/04/2007  
DARBY & DARBY P.C.  
P.O. BOX 5257  
NEW YORK, NY 10150-6257

EXAMINER
----------

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
----------	--------------

2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/823,378

Applicant(s)

CAIN ET AL.

Examiner

Thu Ha T. Nguyen

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2155

**DETAILED ACTION**

1. Claims 1-14 are presented for examination.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

OR

e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Win et al.** (hereinafter Win) U.S. Patent No. **6,453,353**.

Art Unit: 2155

4. As to claim 1, Win teaches a method for authorizing a network device, comprising: determining an attribute based, in part, on a capability of the network device (abstract, figure 1, col. 6, lines 58-65, col. 11, line 42-col. 12, line 8); generating an attribute certificate based, in part, on the attribute (col. 7, line 34-col. 8, line 46, col. 10, line 34-col. 11, line 9); storing the attribute certificate including the attribute (col. 6, line 20-65, col. 10, lines 14-67); and if the attribute certificate is valid, authorizing access to a resource over a network based, in part, on the attribute associated with the attribute certificate (col. 9, line 14-col. 10, line 67, col.11, line 43-col. 12, line 8).

5. As to claim 2, Win teaches attribute is further determined based, in part, on an automated security scan of the network device (abstract, col. 5, line 55-col. 6, line 10, col. 10, lines 34-67).

6. As to claim 3, Win teaches wherein the attribute is further determined based, in part, on a condition to be satisfied (figure 3, col. 8, lines 5-63).

7. As to claim 4, Win teaches wherein the attribute is further associated with a group of network devices (col. 13, lines 35-67).

8. As to claim 5, Win teaches wherein the attribute is further associated with a group of users (col. 13, lines 35-67).

Art Unit: 2155

9. As to claim 6, Win teaches, wherein the attribute certificate is generated by at least one of the network device, an access server, and an attribute authority (figure 1).

10. As to claim 7, Win teaches wherein the attribute certificate is stored in at least one of the network device, and an attribute repository (figure 1).

11. As to claim 8, Win teaches wherein the attribute certificate is provided to an access server through the use of at least one of a cookie, a program, and a manual upload (col. 10, line 41-col. 12, lines 8).

12. As to claim 9, Win teaches a network device for managing authorization to a resource over a network, comprising: a first component configured to generate an attribute certificate, wherein the attribute certificate is based, in part, on a capability of another network device (abstract, figure 1, col. 6, lines 58-65, col. 11, line 42-col. 12, line 8); a second component, coupled to the first component, configured to store the attribute certificate (col. 7, line 34-col. 8, line 46, col. 10, line 34-col. 11, line 9); and a third component, coupled to the second component, configured to authorize the other network device to the resource over the network based, in part, on the attribute of the other network device associated with the attribute certificate (col. 9, line 14-col. 10, line 67, col. 11, line 43-col. 12, line 8).

13. As to claim 10, Win teaches wherein the first component is further configured to generate the attribute certificate based on a condition to be satisfied (figure 3, col. 8, lines 5-63).

14. As to claim 11, Win teaches further comprising a fourth component that is configured to perform an automated security scan of the other network device (abstract, col. 5, line 55-col. 6, line 10, col. 10, lines 34-67).

15. As to claim 12, Win teaches wherein the first component is further configured to generate the attribute certificate based on the automated security scan of the other network device (abstract, col. 5, line 55-col. 6, line 10, col. 10, lines 34-67).

16. As to claim 13, Win teaches wherein the second component is further configured to send the attribute certificate to the other network device to be stored, and the third component it further configured to receive the attribute certificate (figure 1).

17. As to claim 14, Win teaches a network device for managing authorization to a resource over a network, comprising: a means for generating an attribute certificate, wherein the attribute certificate is based on a capability of another network device (abstract, figure 1, col. 6, lines 58-65, col. 11, line 42-col. 12, line 8); a means for storing the attribute certificate (col. 7, line 34-col. 8, line 46, col. 10, line 34-col. 11, line 9); and a means for authorizing the other network device to the resource over the

Art Unit: 2155

network based, in part, on the attribute of the other network device associated with the attribute certificate (col. 9, line 14-col. 10, line 67, col.11, line 43-col. 12, line 8).

### **Conclusion**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892 attached herein).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

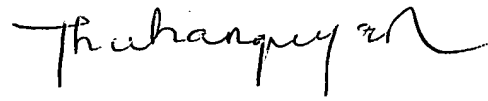
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/823,378  
Art Unit: 2155

Page 7

A handwritten signature in black ink, appearing to read 'ThuHa Nguyen', with a stylized flourish at the end.

ThuHa Nguyen

Primary Examiner

December 26, 2006